

08-30-01

\$CPA/3761



# In the United States Patent and Trademark Office

Applicants: Laura L. Elsberg et al. Docket No.: 15,497  
 Serial No.: 09/465,853 Group: 3761  
 Filed: December 17, 1999 Examiner: J. Webb  
 For: DISPOSABLE ABSORBENT ARTICLE HAVING A STRETCH PANEL AND AN INTEGRATED WAIST SIZE ADJUSTMENT MECHANISM  
 Express Mail EK563921772US Date: August 28, 2001

#15  
 JLB  
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## Transmittal Letter

### Request for Continued Prosecution Application under 37 CFR 1.53(d)

### Continuation Application

### Same Plural Inventors

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ASSISTANT COMMISSIONER FOR PATENTS  
 Box CPA  
 Washington, D.C. 20231

Dear Sir:

Applicants hereby request the filing of a continuation application in accordance with the provisions of 37 C.F.R. 1.53(d) of the below-identified prior application.

The prior application is identified as follows:

1. Serial number: 09/465,853
2. Filing Date: December 17, 1999
3. Title as originally filed: DISPOSABLE ABSORBENT ARTICLE HAVING A STRETCH PANEL AND AN INTEGRATED WAIST SIZE ADJUSTMENT MECHANISM
4. Applicants as originally filed: Laura Linda Elsberg, Brian Walter Angielski, June Marie De Valk, Tim Joseph Janssen, Patrick Sean McNichols, Jennifer Elizabeth Pozniak, Bruce Reed Shafer, James Bennington Stopher and Gary Lee Travis.
5. Address of First Named Applicant in Prior Application: 691 Bedford Court, Woodstock, Georgia, 30188.
6. Correspondence Address of Prior Application: Kimberly-Clark Worldwide, Inc., 401 North Lake Street, Neenah, Wisconsin 54957-0349

The prior application is currently pending before Examiner J. Webb in Group 3761. The entirety of the prior application is hereby incorporated by reference in this application. That is, Applicants hereby request under 37 C.F.R. §1.53(d)(2)(iv) that the new application utilize the file jacket and contents of the prior application, including the specification, drawings, and oath or declaration from the prior

application, to constitute the new application, and will be assigned the application number of the prior application for identification purposes. Claims 10, 13, 14, 30 and 31 were withdrawn from consideration in the prior application. Applicants reserve the right to have the withdrawn claims considered upon the allowance of a generic claim.

It is respectfully submitted that the above prior application is a nonprovisional application that is either: a complete application as defined by Sec. 1.51(b) or the national stage of an international application in compliance with 35 U.S.C. 371.

This application is being filed before the earliest of: payment of the issue fee on the prior application, unless a petition under Sec. 1.313(b)(5) is granted in the prior application; abandonment of the prior application; or termination of proceedings on the prior application.

Applicants understand that the present request for a CPA under Section 1.53(d) is a request to expressly abandon, without disclaimer of or prejudice to the subject matter contained therein, the prior above-identified application as of the grant of a filing date of the present request for an application under Rule 53(d).

And, if indicated:

☒ A preliminary amendment is enclosed.

☒ Please enter the unentered amendment previously filed on July 9, 2001.

☐ Please consider the accompanying Information Disclosure Statement, PTO 1449 and copies of the documents (excluding pending applications) cited therein. Pending applications are recited on a separate sheet to avoid their being printed on the face of any patent issuing herefrom.

The filing fee, pursuant to 37 C.F.R. 1.16(a), (b), (c) and (d), has been calculated, after entry, if applicable, of any amendments, as follows:

	Number Filed		Number Extra	Rate	Fee
Total Claims	44	-20 =	24	x 18 (fee code 103) =	\$432.00
Independent Claims	3	-3 =	0	x 80 (fee code 102) =	0.00
First Presentation of Multiple Dependent Claims				+ 270 (fee code 104) =	0.00
				Base Fee (fee code 101)	\$710.00
				TOTAL	\$1,142.00

Please charge Kimberly-Clark Worldwide, Inc. deposit account number 11-0875 for (1) the filing fee indicated in the TOTAL above; and (2) any patent application processing fees required under 37 C.F.R. 1.17.

In the event the filing fee indicated in the TOTAL above has been incorrectly calculated, please charge any additional filing fee or credit any excess in the filing fee to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875.

Please address all correspondence to: Alyssa A. Dudkowski, Kimberly-Clark Worldwide, Inc., 401 North Lake Street, Neenah, Wisconsin 54957-0349.

**This transmittal letter is submitted in duplicate.**

The undersigned may be reached at telephone number 920-721-2433 or fax number 920-721-3129.

Respectfully submitted,

LAURA L. ELSBERG ET AL.

By: Alyssa A. Dudkowski  
Alyssa A. Dudkowski  
Registration No.: 40,596

#### CERTIFICATE OF MAILING

I, Mary L. Roberts, hereby certify that on August 28, 2001 this document is being deposited with the United States Postal Service, postage prepaid, Express Mail No. EK563921772US in an envelope addressed to: Assistant Commissioner for Patents, Box CPA, Washington, D.C. 20231.

By: Mary L. Roberts  
Mary L. Roberts